

04-0-0899

(Do Not Write Above This Line)

AN ORDINANCE
BY: ZONING COMMITTEE Z-04-34

AN ORDINANCE TO REZONE FROM THE R-4 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE SPI-16 (MIDTOWN SPECIAL PUBLIC INTEREST) DISTRICT, PROPERTY LOCATED AT 52 17TH STREET, N.E. FRONTING 50 FEET ON THE NORTHWESTERLY SIDE OF 17TH STREET BEGINNING 189.86 FEET NORTHEASTERLY FROM THE NORTHEAST CORNER OF PEACHTREE STREET. DEPTH: 99.80 FEET AREA: APPROX. 0.1141 ACRES LAND LOT 105, 17TH DISTRICT, FULTON COUNTY, GEORGIA OWNER: MIDTOWN TSO, LLC APPLICANT: SAME BY: CARL E. WESTMORELAND JR., ATTN: ATTN

NPU 'E' COUNCIL DISTRICT 6

ADVISED BY
CITY COUNCIL JUL 06 2004

- ☐ **CONSENT REFER**
☒ **REGULAR REPORT REFER**
☐ **ADVERTISE & REFER**
☐ **1st ADOPT 2nd READ & REFER**

Date Referred

5/17/2004

Referred To:

ZRB & Zoning

First Reading
Committee Date June 30, 2004
Chair [Signature]
Other [Signature]

Committee
Date June 30, 2004
Chair [Signature]
Action: [Signature]
Fav, Adv, Held (see rev. side)
Other: [Signature]

Committee
Date June 30, 2004
Chair [Signature]
Action: [Signature]
Fav, Adv, Held (see rev. side)
Other: [Signature]

Committee
Date June 30, 2004
Chair [Signature]
Action: [Signature]
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Other: [Signature]

Committee
Date June 30, 2004
Chair [Signature]
Action: [Signature]
Fav, Adv, Held (see rev. side)
Other: [Signature]

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Chair [Signature]
Action: [Signature]
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Other: [Signature]

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Chair [Signature]
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Other: [Signature]

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Other: [Signature]

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Action: [Signature]
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Other: [Signature]

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Date June 30, 2004
Chair [Signature]
Action: [Signature]
Fav, Adv, Held (see rev. side)
Other: [Signature]

Committee
Date June 30, 2004
Chair [Signature]
Action: [Signature]
Fav, Adv, Held (see rev. side)
Other: [Signature]

COUNCIL ACTION

- ☒ **2nd** ☐ **1st & 2nd** ☐ **3rd**
Readings
☐ **Consent** ☐ **V Vote** ☒ **RC Vote**

CERTIFIED

CERTIFICATE
6 2004
COUNCIL PRESIDENT PROTEM

CERTIFICATE
JUL 06 2004
MAYORAL CLERK

MAYOR'S ACTION

RCS# 5871
7/06/04
2:58 PM

Atlanta City Council

Regular Session

04-O-0899

Z-04-34 R-A TO SPI-16
52 17TH STREET
ADVERSE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Winslow	NV Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	NV Mosley	NV Willis

04-O-0899

CITY COUNCIL
ATLANTA, GEORGIA

Municipal Clerk
Atlanta, Georgia

04- 0 -0899

AN ORDINANCE
BY: ZONING COMMITTEE

Z-04-34
Date Filed: 3-24-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **52 17th Street** be changed from the R-4 (Single-Family Residential) District, to the SPI-16 (Midtown Special Public Interest) District, to wit:

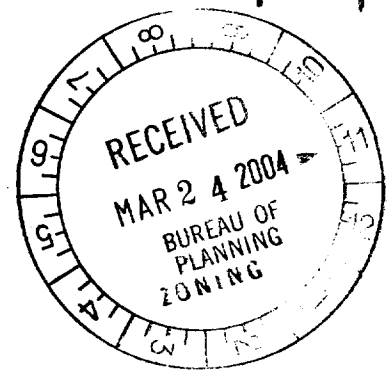
ALL THAT TRACT or parcel of land lying and being in Land Lot 105 of the 17th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

LEGAL DESCRIPTION



ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 105 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

Commencing at a ½ inch rebar set at the intersection of the northeasterly right-of-way of Peachtree Street (an 80-foot right-of-way) with the northwesterly right-of-way of Seventeenth Street (a 50-foot right-of-way); thence north 61 degrees 21 minutes 05 seconds east a distance of 189.86 feet along the northwesterly right-of-way of Seventeenth Street to a ½ inch rebar found on said northwesterly right-of-way of Seventeenth Street, said point being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, thence north 28 degrees 12 minutes 59 seconds west a distance of 99.80 feet to a ½ inch rebar found; thence north 61 degrees 21 minutes 06 seconds east a distance of 49.61 feet to a 1 inch pipe found; thence south 28 degrees 26 minutes 15 seconds east a distance of 99.79 feet to a ½ inch rebar found on the northwesterly right-of-way of Seventeenth Street; thence south 61 degrees 21 minutes 05 seconds west a distance of 50.00 feet along the northwesterly right-of-way of Seventeenth Street to a ½ inch rebar found on said northwesterly right-of-way of Seventeenth Street and the TRUE POINT OF BEGINNING; said tract or parcel containing approximately 0.1141 acres.

ALL as more particularly shown and depicted on that certain ALTA/ACSM Land Title Survey dated December 5, 2002, and being last revised and updated on September 8, 2003, prepared by Pearson & Associates, Inc., and bearing the seal and certification of William W. DeLoach, Georgia Registered Land Surveyor No. 1711, for Midtown TSO, LLC, Midtown Two TSO, LLC, First Capital Bank and Stewart Title Guaranty Company.